

August 2, 2021

A REGULAR MEETING of the Akron Village Board was held on this date at 7:10 p.m. Present: Mayor Carl E. Patterson; Trustees, E. Peter Forrestel, Michael R. Middaugh, Brian T. Perry, and Darrin L. Folger; Attorney Andrew Borden, Clerk Jayne DeTine, and Code Enforcement Officer Michael Borth.

The Mayor led us in the pledge to the flag.

RESOLUTION duly moved by Perry and seconded by Folger that the Minutes of the Special Meeting of July 19, 2021 be and hereby are approved by the Village Board.

|         |                     |       |
|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION, duly moved by Forrestel seconded by Middaugh that the audit of the bills is approved, and the Treasurer authorized to pay same in accordance with the following abstract of audit vouchers:

|                  |    |           |
|------------------|----|-----------|
| General Fund     | \$ | 12,797.47 |
| Electric Fund    | \$ | 18,511.30 |
| Water Fund       | \$ | 17,974.56 |
| Sewer Fund       | \$ | 10,908.07 |
| Capital Projects | \$ | 33,965.56 |

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Perry and seconded by Middaugh that the following building permits be and hereby are approved with the application and approval of the Code Enforcement Officer:

|                    |                 |                  |          |
|--------------------|-----------------|------------------|----------|
| Lance Salmon       | 22 Shepard Ave  | Shed             | \$80.00  |
| Doug Ceisner       | 100 East Ave    | Water line       | \$100.00 |
| Barbara Thoma      | 59 Parkview Dr  | Roof             | \$50.00  |
| Mark Szpara        | 2 John St       | Roof             | \$50.00  |
| John Neidrauer     | 25 Buffalo St   | Signs            | \$50.00  |
| Marc Koopman       | 2 Stoneridge Ln | Sidewalk         | \$50.00  |
| Kenneth Pagels     | 39 Parkview Dr  | Replace Driveway | \$50.00  |
| James Fromwiller   | 12 Lewis Rd     | Roof             | \$50.00  |
| Neidrauer Holdings | 25 Buffalo St   | Remodel          | \$560.00 |
| James Hayes        | 8 Pearl St      | Shed             | \$52.00  |

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Folger that the following applications for a Dumpster Permit be and hereby are approved in accordance with the application filed and payment of permit fee:

|               |             |           |         |
|---------------|-------------|-----------|---------|
| Michael Borth | 64 Cedar St | Temporary | \$50.00 |
|---------------|-------------|-----------|---------|

|                  |             |           |         |
|------------------|-------------|-----------|---------|
| James Fromwiller | 12 Lewis Rd | Temporary | \$50.00 |
|------------------|-------------|-----------|---------|

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Folger and seconded by Perry that the following application for a Plumbers License for the year 2021 be and hereby is approved in accordance with the application filed and payment of the annual license fee of \$75.00:

|               |                 |     |         |
|---------------|-----------------|-----|---------|
| Michael Marks | Cheektowaga, NY | New | \$75.00 |
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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

PUBLIC HEARING – None

APPEARANCE – Jacob Halleck and Kristy Pingitore from the Akron Chamber of Commerce came before the Board to ask permission to approve the Hometown Heroes Banner Program where banners of Service Men and Women would pay tribute for those Akron or Newstead residents who have or are serving in a branch of the United States Military. The banners would measure 24’ x 48’ and be hung along the Main Street Business District from May until November and then returned to the sponsor of that particular Hero. The Board agreed to move forward with the Program.

RESOLUTION duly moved by Folger and seconded by Middaugh to approve the Akron Chamber of Commerce’s Hometown Heroes Banner Program providing the Program is reviewed and approved by Public Works Manager Jon Cummings be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

PUBLIC COMMENT – John Asmus came before the Board to give an update on the water quality so far this summer. He stated the plant has had no failures or operational issues and is running at 100% at this time. With last year’s upgrades such as the new ring of aeration lines around the intake at the bottom of the reservoir and the replacement of a much larger carbon pump, the water quality has greatly improved from last summer. Lastly, he mentioned that the Water Plant is 49 years old. Trustee Forrestel suggested the Village do an Engineering Study on the Water Plant and Attorney Borden stated the Village should return to having the ever popular “Open House” down at the Water Plant again.

PROJECT REPORTS –

CDBG – ADA Sidewalk Aprons/Crosswalks – project has begun with sidewalk replacement on the corner of Main Street and Church Street.

Wastewater Treatment Plant Upgrade – project continuing nicely.

MONTHLY REPORTS –

Departments –

VILLAGE ATTORNEY – Attorney Borden wanted to thank the Community for their response to the Splash Pad Survey.

CLERK – submitted report for July 2021.

CHIEF OF POLICE – submitted report for July 2021 and schedule for August 2021. Chief Lauricella was excused for this meeting.

PUBLIC WORKS MANAGER – Public Works Manager Cummings was excused for this meeting.

CODE ENFORCEMENT OFFICER –submitted report for July 2021. Code Enforcement Officer Borth stated it has been a busy summer so far and between 4-6 new homes will be coming in for approval soon.

AKRON FIRE COMPANY – Board Members reviewed the July 2021 report from Chief Haist during the earlier work session.

Elected Officials –

TRUSTEES – COORDINATORS

Trustee Perry – reported: Nothing to report.

Trustee Middaugh – reported: stated that Police Chief Lauricella is waiting on two quotes for the new cameras for Russell Park and Chief Lauricella also received an offer from Cecconi’s Chrysler for the 2011 Crown Victoria for \$1,600.00.

RESOLUTION duly moved by Forrestel and seconded by Middaugh to approve the offer from Joe Cecconi’s Chrysler for the 2011 Crown Victoria in the amount of \$1,600.00 which will be deducted from the price of the new 2021 Durango Police Vehicle be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

Mayor Patterson –nothing to report.

Trustee Forrestel –suggestion made earlier of a potential Water Plant Engineering Study; will follow up with Steve Tanner from Clark Patterson Lee regarding the progress of the Sewer Plant upgrade and will email the Board with results.

Trustee Folger – attended the Celebration Committee meeting on July 28, 2021. The Committee requested the possible purchase of buntings or some other kind of decoration for the Gazebo in Russell Park during the summer months. Trustee Folger also requested an “in-kind” cost of Public Works employees time spent preparing and helping with such celebrations. The Committee is ready for New Year’s Eve but does need an Electric Truck or crane to lower a small ball for the ball drop, they wondered if the Village could help out with any of their equipment. Next Celebration Committee meeting will be in October 2021. The draft Tree Policy will be discussed with the Planning Board at the Village Board meeting scheduled for September 13, 2021. Lastly, he requested an Executive Session regarding Personnel. Mayor Patterson thanked Trustee Folger for leading the meeting on July 19, 2021.

OLD BUSINESS

Clinton Street/Eckerson Avenue/ 43 East Avenue Village Land – Held discussion during the earlier Work Session regarding timing, funding, and location of the proposed Splash pad.

Splash Pad – same as above.

Cedar Street – Electrical/Trees/Sidewalks – Trustee Forrestel stated that we can remove the Electrical portion of this item as it has been completed. Next, we need a project concept of trees and sidewalks.

Jackson Street Sidewalks – Nothing new.

### NEW BUSINESS

RESOLUTION – duly moved by Perry and seconded by Forrestel authorizing the refunding, of certain outstanding bonds of said Village, stating the plan of refund, appropriating an amount not to exceed \$1,390,000 for such purpose, authorizing the issuance of refunding bonds in the principal amount of not to exceed \$1,390,000 to finance said appropriation, and making certain other determinations relative thereto be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Middaugh and seconded by Folger to accept the agreement with the Northern Erie Sno-Seekers for the 2021-2022 winter season providing the proper paperwork is provided to the Village Office.

WHEREAS, the Village of Akron has received a request from the Northern Erie Sno-Seekers, Inc., to use a portion of the Bike Path in the Village of Akron for snowmobile use:

WHEREAS, the Northern Erie Sno-Seekers, Inc., contacted the Village Board through a letter received on July 31, 2021 to renew their permission to use a portion of the Bike Path in the Village of Akron for snowmobile use:

NOW, THEREFORE, A RESOLUTION, duly moved by Middaugh, seconded by Folger, based on information submitted by the Northern Erie Sno-Seekers, Inc., and upon the Village's review, the Village Board authorizes the Northern Erie Sno-Seekers, Inc., to use the Bike Path within the Village of Akron from December 15, 2021 through April 1, 2022, subject to random enforcement of speed, unreasonable noise and DWI, be and hereby is approved by the Village Board, subject to the following:

1. That the Village Board does hereby authorize the Northern Erie Sno-Seekers, Inc., to use the Bike Path beginning at Cedar Street and running southwest to Clarence Center Road, along a route that shall be specifically marked out by the Northern Erie Sno-Seekers, Inc., and approved by the Village of Akron Superintendent of Public Works,

a. The Northern Erie Sno-Seekers must provide the Village with proof of liability coverage naming the Village of Akron as additional insured in an amount satisfactory to the Village. If such coverage is part of blanket coverage for all snowmobile clubs throughout the State of New York, the Village of Akron must be specifically named as an additional insured on such policy.

b. The Northern Erie Sno-Seekers must provide the Village with an updated copy of its certificate of incorporation and by-laws and of its rules and regulations for operation of snowmobiles on trails maintained by them.

c. The Northern Erie Sno-seekers will provide to the Village an indemnification agreement holding the Village harmless and defending the Village from all property damages and personal injuries occasioned by the activities of the Northern Erie Sno-Seekers, their members, agents, invitees, or employees on any Village lands during the term of the agreement to use the Bike Path.

d. The use of the right-of-way shall begin on the last day of deer hunting season and shall terminate on April 1, 2022.

e. The Northern Erie Sno-Seekers, Inc. must cooperate with the Village to clearly mark the trail, which trail shall be located off the paved portions of the Bike Path and post speed limits and rules and regulations governing the use of the trails, satisfactory to the Village.

f. The Northern Erie Sno-Seekers, Inc., shall use the Bike Path in a manner that allows for the use of the same facilities by others including hikers and cross-country skiers.

g. The Northern Erie Sno-Seekers, Inc. shall use their best efforts to avoid damage to Village Property, injury to individuals, or excessive noise.

h. Failure to abide by all these conditions may result in the Village Board's withdrawal or rescinding of the consent of the Village to use the Bike Path.

2. This resolution shall take effect immediately.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Folger to appoint the MEUA Executive Committee as the Village voting delegate for the Annual MEUA Conference scheduled for August 31 – September 3, 2021 be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Middaugh to approve the Village's portion of the purchase not to exceed \$6,672.50 from Kiercom Communications, Inc. for the quote to replace cameras at the Joint Facility be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

CORRESPONDENCE –

Letter from Charter Communications regarding broadcast changes dated July 23, 2021.

Note from Marilyn Perry regarding the Splash Pad.

Letter from the Akron Lady Lions Club requesting permission to close Main Street from Church Street to Buffalo Street with the help of APD for the Fall Fest scheduled for September 25, 2021 from 3-10 pm.

RESOLUTION duly moved by Forrestel and seconded by Perry to allow request from the Akron Lady Lions Club to close Main Street from Church Street to Buffalo Street with the help of the Akron Police Department for the Fall Fest scheduled September 25, 2021 providing all required permits are submitted be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

PUBLIC COMMENT – None

EXECUTIVE SESSION –

RESOLUTION duly moved by Folger and seconded by Forrestel to go into an executive session regarding personnel matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation at 8:15 pm be and hereby is approved.

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| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

RESOLUTION duly moved by Forrestel and seconded by Middaugh to come out of the executive session regarding personnel matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation at 8:40 pm be and hereby is approved.

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|---------|---------------------|-------|
| ADOPTED | CARL E. PATTERSON   | - AYE |
|         | E. PETER FORRESTEL  | - AYE |
|         | MICHAEL R. MIDDAUGH | - AYE |
|         | BRIAN T. PERRY      | - AYE |
|         | DARRIN L. FOLGER    | - AYE |

On motion of Middaugh and seconded by Folger at 8:41 pm this meeting was ADJOURNED.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK